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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 CHARLES N. BELSSNER,  
8 Plaintiff,  
9 v.  
10 THE STATE OF NEVADA,  
11 Defendant.

Case No. 2:18-cv-02263-RFB-CWH

ORDER

12  
13 Before the Court is Plaintiff Charles N. Belssner's Application for Leave to Proceed *in*  
14 *forma pauperis*. ECF No. 1. The Court, however, turns first to the issue of subject matter  
15 jurisdiction. The Court has a *sua sponte* obligation to ensure that it has subject matter jurisdiction.  
16 Kwai Fun Wong v. Beebe, 732 F.3d 1030, 1036 (9th Cir. 2013) (citations omitted); see also  
17 Gonzalez v. Thaler, 565 U.S. 134, 141 (2012) ("When a requirement goes to subject-matter  
18 jurisdiction, courts are obligated to consider *sua sponte* issues that the parties have disclaimed or  
19 have not presented.").

20 After reviewing Plaintiff's Proposed Complaint at ECF No. 1-1, the Court finds Plaintiff  
21 fails to provide any allegations to support a basis for federal subject matter jurisdiction. While  
22 Plaintiff summarily cites federal statutes and employs certain phrases like "due process" and  
23 "constitutional rights," he does not clearly identify a claim over which this Court may exercise its  
24 jurisdiction. Plaintiff appears to craft a claim labeled "The State of Nevada is a Landlord State."  
25 The Court finds that such a claim is not a cognizable federal cause of action.

26 The Court further finds that amendment of the Proposed Complaint would be futile, as the  
27 relief that Plaintiff seeks is essentially appeals from the final decisions in his state court matters to  
28 this Court for review. See Bianchi v. Rylaarsdam, 334 F.3d 895, 898 (9th Cir. 2003) ("Rooker-

1 Feldman is a powerful doctrine that prevents federal courts from second-guessing state court  
2 decisions by barring the lower federal courts from hearing de facto appeals from state-court  
3 judgments[.]”). The Court therefore dismisses this matter in its entirety with prejudice. See  
4 Chappel v. Lab. Corp. of Am., 232 F.3d 719, 725–26 (9th Cir. 2000) (explaining a district court  
5 may deny an opportunity to amend a complaint “when amendment would be futile[.]”).

6 **IT IS THEREFORE ORDERED** that this matter is DISMISSED with prejudice. The  
7 Clerk of the Court is instructed to close the case accordingly.

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9 DATED: November 28, 2018.



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11 **RICHARD F. BOULWARE, II**  
12 **UNITED STATES DISTRICT JUDGE**